

APPEAL NO. 030207  
FILED MARCH 6, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 13, 2003. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on \_\_\_\_\_; that the claimant did not have disability; and that the claimed injuries do not extend to and include the neck, back, and thoracic spine.

The claimant appeals the hearing officer's determinations, asserting that one of the respondent's (carrier) witnesses was not credible and that the hearing officer failed to address whether the claimant sustained a compensable repetitive trauma injury as discussed in the benefit review conference report. The carrier responds, urging affirmance.

DECISION

Affirmed.

The claimant testified that he injured his right shoulder, neck, and low back grabbing, lifting, and bagging certain magazines from an assembly line. Most of the evidence including what machine the claimant was working at on \_\_\_\_\_, the type of magazine the claimant was handling, the weight of the bags, and the specifics of what the claimant was doing on the date in question were in dispute. The hearing officer specifically commented that the claimant "was simply not credible."

The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within his province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly. No sound basis exists for us to disturb those determinations on appeal.

Regarding the claimant's contention that the hearing officer did not specifically address a repetitive trauma injury, we note that the claimant specifically agreed that the issue was: "Did the claimant sustain a compensable injury on \_\_\_\_\_." (TR, pg. 6). Any objection the claimant may have had regarding the wording of the issue was not preserved for appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

---

Thomas A. Knapp  
Appeals Judge

CONCUR:

---

Terri Kay Oliver  
Appeals Judge

---

Robert W. Potts  
Appeals Judge